REMARKS

Claims 1-19 are pending. Claims 1-14 have been rejected. Claims 15-19 have been indicated to be allowable.

Applicants submit, contemporaneously herewith, a Request for Continued Examination pursuant to 37 C.F.R. § 1.114.

Claim Rejections – 35 U.S.C. § 102(b)

Claim 1-11 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,681,316 to DeOrio et al ("DeOrio '316").

Referring to Fig. 4, DeOrio '316 discloses tibial resection guide 10 including mounting sleeve 12 having inner bore 36 (Fig. 2) configured to receive intramedullary rod 28 therein. By inserting intramedullary rod 28 through bore 36 and sleeve 12, tibial resection guide 10 is secured to the tibia. Extending from sleeve 12 is mounting rod 14. Mounting rod 14 is configured to receive mounting block 16 thereon, which is connected via horizontal mounting member 20 and vertical mounting assembly 22 to cutting guide block 26. Referring to Fig. 1, cutting guide block 26 includes a single cutting slot 96.

Applicants respectfully submit that amended independent Claim 1 is not anticipated by DeOrio '316, as DeOrio '316 fails to disclose each and every limitation called for in amended independent Claim 1. Specifically, amended independent Claim 1 calls for an apparatus for fixing the position of bone cuts for the insertion of knee implants including, *inter alia*, at least one cutting jig adapted to be coupled to a base element fixed to the bone in the region of the condyle and adapted to be fixed to the base element, wherein the cutting jig includes a first slot for a cutting tool defining a first cutting plane with respect to the base element and a second slot for a cutting tool defining a second cutting plane, *both of the first slot and the second slot configured to receive a cutting tool while the cutting jig remains coupled to the base element.*

In forming the rejection, the Examiner relies on cut slot 96 in cutting guide block 26 and bore 36 of sleeve 12 of the device of DeOrio '316 for forming the first slot for a cutting tool and the second slot for a cutting tool, as called for in amended independent Claim 1. The Examiner further relies on intramedullary rod 28 as forming the base element fixed to the bone in region of the condyle, as called for in amended independent Claim 1. However, with intramedullary rod 28 received within inner bore 36 of sleeve 12, inner bore 36 is incapable

of receiving a cutting tool. Thus, the device of DeOrio '316 does not provide a cutting jig including a first slot for a cutting tool and a second slot for a cutting tool with *both of the first slot and the second slot configured to receive the cutting tool while the cutting jig remains coupled to the base element.*

For at least the foregoing reasons, Applicants respectfully submit, that amended independent Claim 1, as well as Claims 2-11 and 14, which depend therefrom, are not anticipated by DeOrio '316.

Claim Rejections – 35 U.S.C. § 103(a)

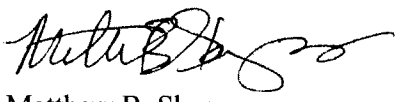
Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being obvious over DeOrio '316 in view of U.S. Patent No. 6,796,986 to Duffner ("Duffner '986"). In forming the rejection, the Examiner relies on DeOrio '316 as disclosing each and every limitation called for in amended independent Claim 1. However, for the reasons set forth above, DeOrio '316 fails to disclose or suggest each and every limitation called for in amended independent Claim 1. The Examiner's additional citation of Duffner '986 fails to overcome this deficiency as neither Duffner '986 nor DeOrio '316, either alone or in combination, disclose or suggest each and every limitation of amended independent Claim 1. Thus, for the foregoing reasons, Applicants respectfully submit that Claims 12 and 13, which depend from amended independent Claim 1, are not obvious over DeOrio '316 in view of Duffner '986.

In the event Applicants have overlooked the need for an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby petition therefor and authorize that any charges be made to Deposit Account No. 02-0385, Baker & Daniels.

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Should the Examiner have any further questions regarding any of the foregoing, he is respectfully invited to telephone the undersigned at 260-424-8000.

Respectfully submitted,



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CERTIFICATION OF MAILING

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on: October 31, 2007

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Name of Registered Representative



Signature

October 31, 2007
Date